IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5860 of 2007()

AGAINST THE ORDER IN EP.228/2004 IN
OS.47/2002 of SUB COURT, MUVATTUPUZHA

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CRIME NO. 429/2005 PUTHENCRUZ POLICE STATION

PETITIONERS/ACCUSED

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1. SILO, W/O.SURENDRAN, AGED 40 YEARS,
KAVANAKKUDIYIL HOUSE, VADAYAMPADY KARA (PO),
AIKKARANADU SOUTH VILLAGE, ERNAKULAM DIST.
PIN - 682 308.

2. SURENDRAN, AGED 48 YEARS,
S/O.LATE KRISHNAN, KAVANAKKUDIYIL HOUSE,
VADAYAMPADY KARA (P.O), AIKKARANADU SOUTH VILLAGE,
ERNAKULAM DIST. PIN - 682 308.

3. LAILA, AGED 45 YEARS, D/O.LATE KRISHNAN,
KAVANAKKUDIYIL HOUSE, VADAYAMPADY KARA, (PO),
AIKKARANADU SOUTH VILLAGE, ERNAKULAM DIST,
PIN - 682 308.

4. BHAVANI, AGED 65 YEARS,
W/O.LATE KRISHNAN, KAVANAKKUDIYIL HOUSE,
VADAYAMPADY KARA (PO), AIKKARANADU SOUTH VILLAGE,
ERNAKULAM DIST, PIN - 682 308.

5. RAGHAVAN, AGED 63 YEARS, S/O.AYYAPPAN,
KAVANAKKUDIYIL HOUSE, VADAYAMPADY KARA (P.O),
AIKKARANADU SOUTH VILLAGE, ERNAKULAM DIST.
PIN - 682 308.

6. PONNU, AGED 60 YEARS, S/O.AYYAPPAN,
KAVANAKKUDIYIL HOUSE, VADAYAMPADY KARA (PO)
AIKKARANADU SOUTH VILLAGE, ERNAKULAM DIST
PIN - 682 308.

7. SHAJI M.R., AGED 38 YEARS, S/O.RAMAN,
MADATHIL HOUSE, VADAYAMPADY KARA P.O.,
AIKKARANADU SOUTH VILLAGE, ERNAKULAM DIST,
PIN - 682 308.

BY ADV. SRI.C.N.PRABHAKARAN
SRI.C.R.VINOD KUMAR
SRI.P.C.RAJAN
SRI.C.T.SOMAN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA
(THE INSPECTOR OF POLICE, PUTHENCRUZ
POLICE STATION, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5860 of 2007

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Dated this the 3rd day of October, 2007

ORDER

Application for anticipatory bail. Petitioners face allegations under Section 420 IPC. The crime has been registered on the basis of a private complaint filed by the de facto complainant / the bank before the learned Magistrate and which was forwarded by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that there was no culpable and contumacious intention at all. This can be evidently ascertained from the fact as soon as such allegations were raised, the entire liability to the bank has already been discharged. The learned counsel for the petitioners in these circumstances prays that the petitioners may be granted anticipatory bail.

3. The learned Public Prosecutor after taking instructions confirms that the entire liability has been discharged. It is as security for the said loan that the property was offered as security. The alleged offence was committed in offering that property as security. The learned Public Prosecutor in these circumstances raises no objections against the grant of anticipatory bail to the petitioners. In the absence of

opposition I am not adverting to the facts in any greater detail. I am satisfied that anticipatory bail can be granted to the petitioners subject to appropriate terms and conditions

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 9.10.2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 5 p.m. on 10.10.2007 and 11.10.2007 and thereafter the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(vi) If they were arrested prior to 9.10.2007, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 9.10.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE